

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ELECTRONIC CONTROLS, INC.,

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:07CV46-P-S

AMTEL SECURITY SYSTEMS, INC.,

DEFENDANT.

ORDER

This matter comes before the court upon the plaintiff's motion *in limine* [98] to limit the defendant's expert testimony to that revealed in their depositions. After due consideration of the motion – the defendant having filed no response – the court finds as follows, to-wit:

Because the court excluded the testimony of Messrs. Carmona and Baretto in its September 9, 2009 Order granting the plaintiff's motion to strike the defendant's expert witnesses, the instant motion is moot regarding these experts.

With regard to Mr. Alberto Mastroliberti, the court agrees that his testimony should be limited to that he revealed during his deposition – especially since he was not required to submit an expert report pursuant to Fed. R. Civ. P. 26(a)(2)(B) given he is a current employee of the defendant and does not regularly give expert testimony.

IT IS THEREFORE ORDERED AND ADJUDGED that the plaintiff's motion *in limine* [98] to limit the defendant's expert testimony to that revealed in their depositions is **GRANTED** as explained above.

SO ORDERED this the 30th day of September, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE